

# Agenda Item Form

Agenda Date: 04/06/04

Districts Affected: All

Dept. Head/Contact Information: Human Resources, Terry A. Bond, (915) 541-4509

## Type of Agenda Item:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Resolution                       | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments                   |
| <input type="checkbox"/> Tax Installment Agreements       | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                            |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen               |
| <input type="checkbox"/> Application for Facility Use     | <input type="checkbox"/> Bldg. Permits/Inspection | <input checked="" type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements            | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application                    |
| <input type="checkbox"/> Other _____                      |   |   |

## Funding Source:

- ☐ General Fund  
☐ Grant (duration of funds: \_\_\_\_\_ Months)  
☐ Other Source: N/A

## Legal:

- ☒ Legal Review Required      Attorney Assigned (please scroll down): Lupe Cuellar      ☒ Approved      ☐ Denied

Timeline Priority:   ☒ High      ☐ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

After review by the Civil Service Commission and approval on 3/25/04, the amendment would add an additional rule, "Rule 29, Outside Employment" to Ordinance 8065. The new rule would among other things allow members of the classified services to be permitted to work part time for other employers for a maximum of twenty-five hours (25) per week. This would be an increase from the 20 hours that are now allowable.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

None

## Statutory or Citizen Concerns:

None anticipated

## Departmental Concerns:

None anticipated

2004 APR 7 PM 10 38  
CITY CLERK  
INVESTMENT

**AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND  
REGULATIONS, TO ADD A NEW RULE ADDRESSING OUTSIDE EMPLOYMENT  
FOR CIVIL SERVICE EMPLOYEES**

**WHEREAS**, the Civil Service Commission is given the authority under Section 6.1-5(A) of the City Charter to recommend amendments to the City's Civil Service Rules; and,

**WHEREAS**, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommend changes to City Council; and,

**WHEREAS**, both the Civil Service Commission and the City Council have determined that Civil Service Rules should be amended by adding a new rule addressing outside employment;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That Ordinance 8065, Civil Service Rules and Regulations, is amended by adding an additional rule as follows:

Rule 29 Outside Employment.

Section. 1. Outside Employment. Members of the classified services shall be permitted to work part time for other employers subject to the provisions of this Rule.

Section 2. Maximum Allowable Hours; Conditions Disqualifying Applicants. Requests for outside employment shall be granted by department heads, not to exceed twenty-five (25) hours per week, except in the following circumstances:

a. Where it appears from the applicant's sick leave record or other evidence that outside employment would measurably impair the applicant's ability to discharge official duties and responsibilities with the City;

b. Where outside employment, or the place where it is performed, would likely bring either the City or the applicant into disfavor with the public, involve the employee in violation of the Rules and Regulations of the Commission or the employee's department, or present the employee with an actual or potential conflict of interest respecting city employment;

c. Where the employment, or the place where it is to be performed, are such as to measurably impair the employee's efficiency, capability, or availability as an employee of the City;

d. Where the outside employment requires the applicant to appear in the official uniform of the applicant's City employment where such practice would violate a rule of the applicant's department or where the outside employment would involve the service of civil process, or;

e. Where the outside employment of a public safety employee would involve the operation of, or employment in, an establishment where the principle business is the sale of intoxicating beverages.

Section 3. Form of Application; Procedure for Approval. An applicant must submit a request for permission to work at outside employment to the department head. This request must be submitted on appropriate forms as provided by the Department of Human Resources and must include, inter alia, the specific type of employment. The department head will forward disposition of the request to the Secretary of the

Commission in an expeditious manner. In cases where the request has been approved by the department head, the item will be posted on the Commission's agenda for notation.

Section 4. Duration; Subsequent Applications; Employee's Duties. Applications that have been approved by the department head, or the Commission as hereinafter provided, will be valid for a period not to exceed two (2) years from the date of approval, and only for the specific type of employment approved. Any change in employment during a period of approval must be reported to the department head. Any employee approved for outside employment will submit a quarterly report to the department head stating the hours worked each week during that quarter and the type of work being performed. These reports will be submitted on the first working day after the first of April, July, October, and January of each year. An original application must be submitted before an employee may change the type of employment for which he has been approved.

Section 5. Renewal Applications. Any employee seeking to renew an application for outside employment must submit a request for renewal on the appropriate form not less than 45 days prior to the expiration of the current approval. Late applications may be accepted at the sole discretion of the department head, whose decision in this regard is not subject to review by the Commission.

Section 6. Duties of Department Heads; Revocation of Approval. Each department head shall periodically review outside employment within the department to ensure compliance with this Rule. It is the duty of each department head to revoke an

employee's outside employment approval in the event the employee fails to comply with the provisions of this Rule, fails to conform to the conditions of qualification as set forth in Sec. 2 (a-e) of this Section, or receives an overall rating of less than "competent" on any regularly scheduled Performance Evaluation Report, provided further that a department head may give an employee notice and reasonable opportunity to cure their noncompliance or other deficiency prior to revocation.

Section 7. Appeal; Burden of Proof; Miscellaneous Provisions. An employee whose original or renewal application for outside employment has been denied by the department head or whose approval has been revoked, may appeal the denial or revocation to the Commission within ten (10) days of his notification thereof. The Secretary will promptly docket the appeal on the Commission's agenda. Upon the hearing of the appeal, the department head and the employee will state their respective positions in writing to the Commission which shall consider the same, receiving testimony as it deems appropriate. The Commission will then determine the appeal. The burden of proof in an appeal from a denial of an original or subsequent application shall be upon the department head by a preponderance of the evidence; an appeal from a revocation of approval shall be sustained in the absence of substantial evidence. An employee whose appeal from a revocation of outside employment has been denied shall be ineligible to reapply for outside employment for a period of six months from the date of such denial. Revocation of approval shall not be considered disciplinary action.

Section 8. Statement of Policy. It is the policy of the Commission that employees recognize that their primary duties are to the City of El Paso. Employees are subject to call at any time for emergencies, special assignments, overtime, and the like, and the obligations of outside employment are always subordinate.

2. Except as herein amended, all provisions of Ordinance 8065, Civil Service Rules and Regulations, remain the same.

PASSED AND APPROVED this 20<sup>th</sup> day of April 2004.

THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Guadalupe Cuellar  
Deputy City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Terry Bond  
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON MARCH 25, 2004.

By

\_\_\_\_\_  
SECRETARY